

SUMMARY OF INTERVIEW

Attendees, Date and Type of Interview

The in person interview was conducted on September 10, 2009 and attended by Examiner Ilya Treyger, Supervisor Tatyana Zalukaeva, and Applicants' representatives, Sabin Lee and Gregg Koch.

Applicants' representatives thank Examiner Treyger and Supervisor Zalukaeva for the courteous and helpful interview on September 10, 2009.

Exhibits and/or Demonstrations

None.

Identification of Claims Discussed

Claims 1, 14, and 19 were discussed.

Identification of References Discussed

WO 2004/037334 (corresponding to US Publication No. 2006/0155260 A1, now U.S. Patent No. 7,524,315), International Application Publication No. WO 84/01904 ("Swanbeck") and U.S. Patent No. 5,055,198 ("Shettigar") were discussed.

Proposed Amendments

Amendments to clarify that the recirculated fluid does not pass through the reservoir and that the bleed means and bleed valve are configured to relieve pressure within at least a portion of the apparatus were discussed.

Principal Arguments and Other Matters

The cited references of Swanbeck and Shettigar do not disclose or suggest recirculated fluid that does not pass through the reservoir or a bleed means and bleed valve are configured to relieve pressure within at least a portion of the apparatus.

Also discussed was whether WO 2004/037334 qualifies as prior art to the present application. Applicants' representatives indicated their belief that WO 2004/037334, as well as corresponding U.S. Publication No. 2006/0155260 A1 and U.S. Patent No. 7,524,315, do not qualify as prior art under 35 U.S.C. § 102(e) because the WO 2004/037334 has an international filing date of October 28, 2003, which is the same day as the Great Britain application from

Application No.: 10/575,875
Filing Date: February 1, 2007

which the present application claims priority. Furthermore, even if WO 2004/037334, U.S. Publication No. 2006/0155260 A1 and U.S. Patent No. 7,524,315 were to qualify as prior art under 35 U.S.C. § 102(e), Applicants' representative indicated that such references could not be used in an obviousness rejection under 35 U.S.C. § 103 because the subject matter of the alleged prior art and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. A statement to this effect is provided in the remarks below.

Results of Interview

Applicants understood that Examiner Ilya Treyger and Supervisor Zalukaeva agreed that amending Claims 1, 14, and 19 as discussed would overcome the present rejection.